



APPLICATION ACCEPTED: September 10, 2013  
BOARD OF ZONING APPEALS: December 4, 2013  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

---

November 27, 2013

### STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-LE-073

#### LEE DISTRICT

**APPLICANT:** Elizabeth Ramirez

**OWNERS:** Elizabeth Ramirez  
Jamie Ramirez

**SUBDIVISION:** Loisdale Estates

**STREET ADDRESS:** 7107 Loisdale Road, Springfield, 22150

**TAX MAP REFERENCE:** 90-4 ((06)) 50

**LOT SIZE:** 8,750 square feet

**ZONING DISTRICT:** R-4

**ZONING ORDINANCE PROVISIONS:** 8-301

**SPECIAL PERMIT PROPOSAL:** To permit home child care facility.

**STAFF RECOMMENDATION:** Staff recommends denial of SP 2013-LE-073 for the home child care facility.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

*O:\rhorner\Special Permits\Ramirez HCC\Staff Report Ramirez Home Daycare.doc*      *Rebecca Horner*

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

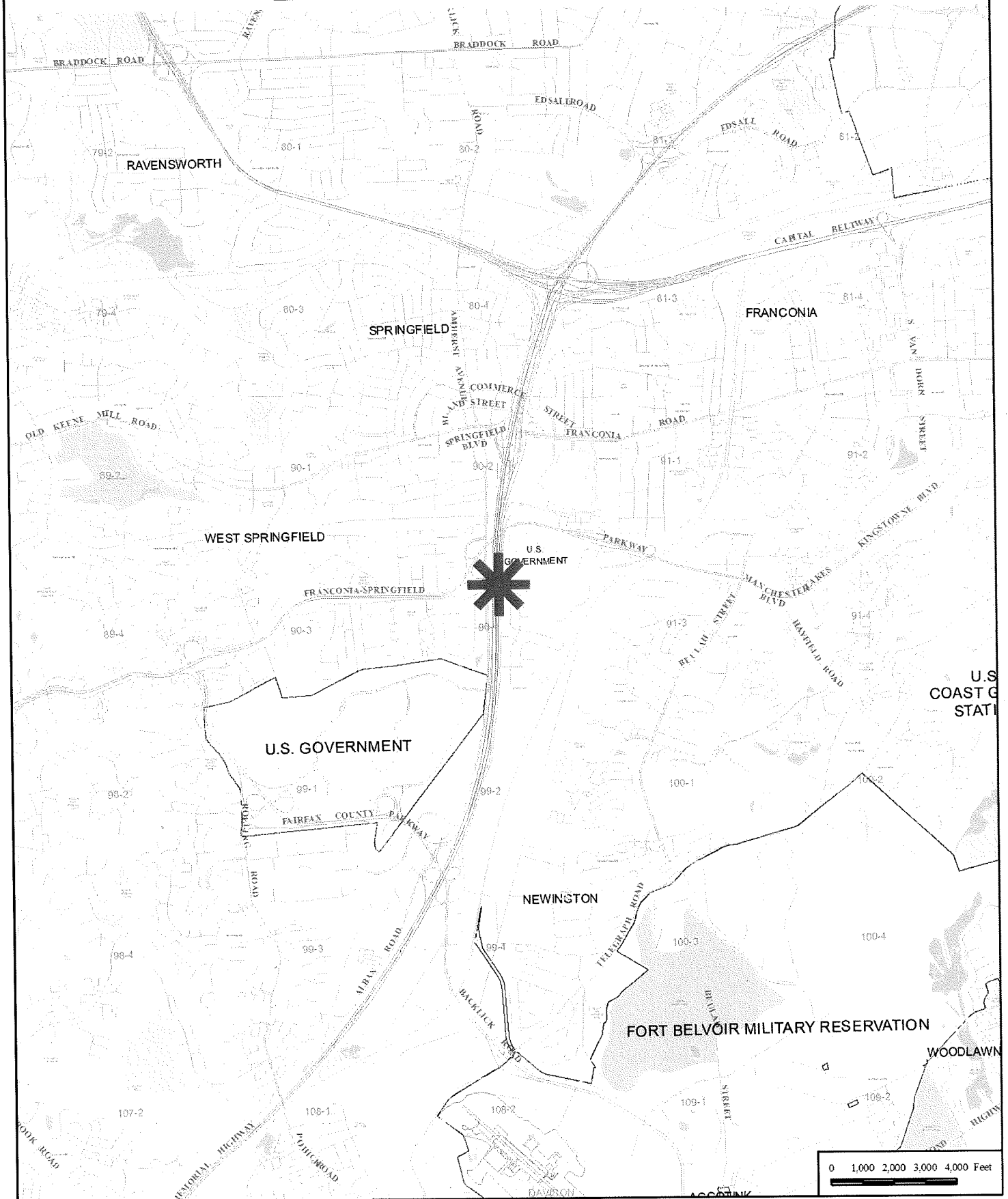
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

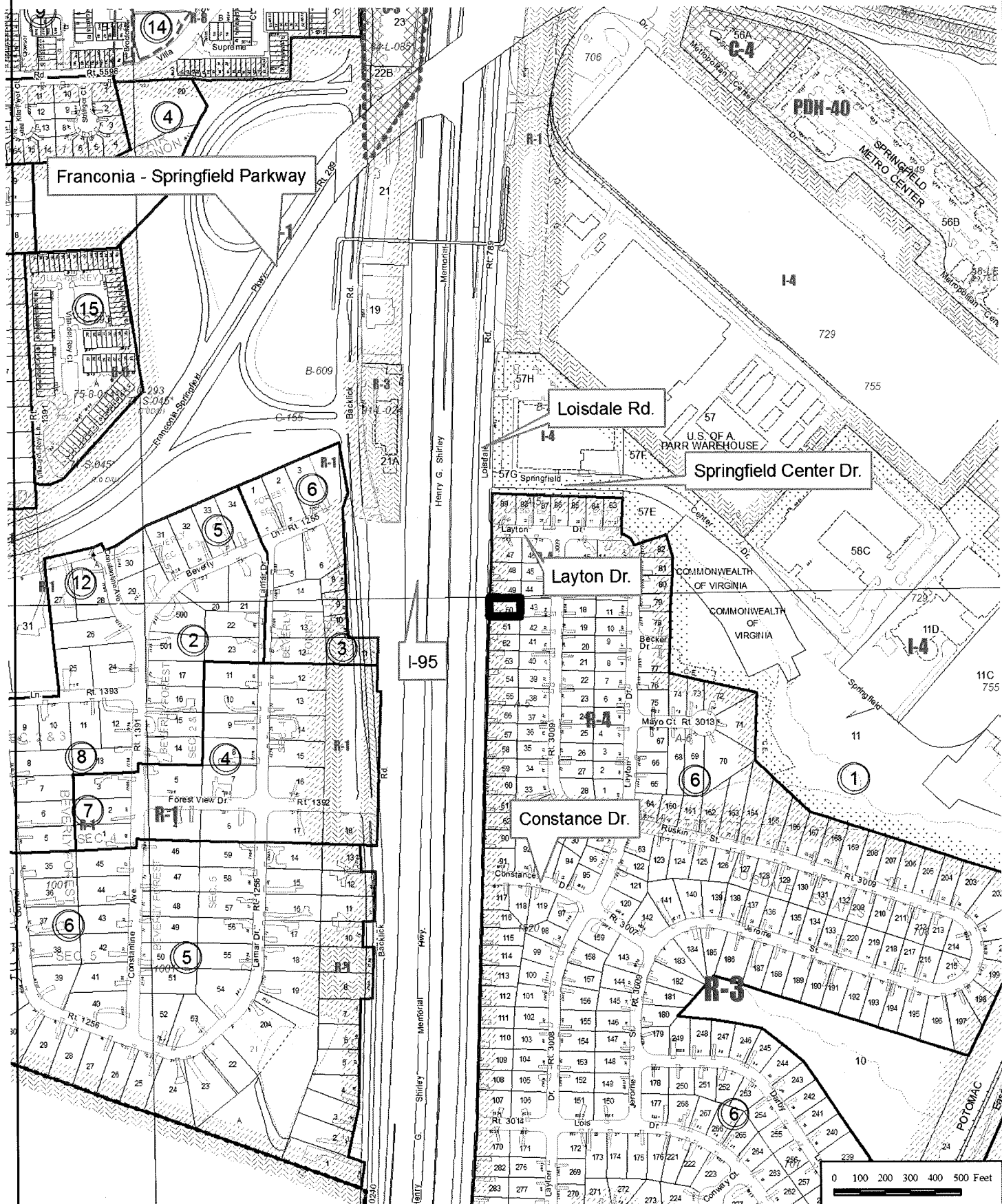


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2013-LE-073**  
**ELIZABETH RAMIREZ**



ELIZABETH RAMIREZ





Stamps (These stamps are a part of this application and must be complied with):

APPROVED 44

43

42

6/15/01

36th Ave. Administrative

DPW&ES

Office of Building  
Code Services

Approved for

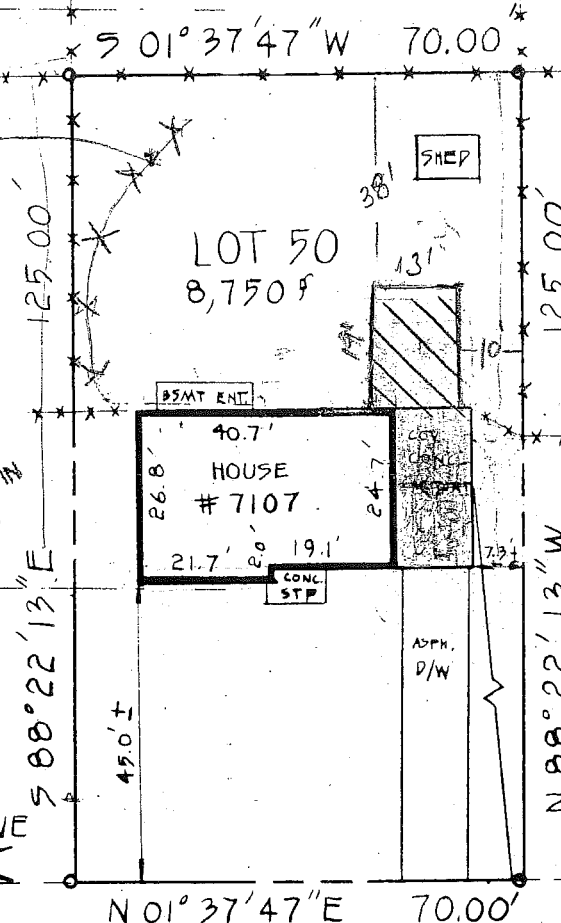
1st add. & encl. report

By: [Signature]  
Date: 3/1/99

FOOTINGS AND PIERS MUST BE PLACED  
ON COMPETENT MATERIAL

DAMP PROOFING/WATER PROOFING REQUIRED IN  
ACCORDANCE WITH CABO AND BOCA CODES.

210.00 TO P.C. LAYTON DRIVE



APPROVED

2/25/99

[Signature]  
Zoning Administrator

APPROVED

2-18-99  
[Signature]

Zoning Administrator

LOISDALE ROAD  
(FORMERLY SERVICE ROAD NO. 6  
SHIRLEY MOMERIAL HWY)

EXCAVATED MATERIAL  
SHALL BE REMOVED  
FROM SITE

LOT 50  
SECTION ONE

LOISDALE ESTATES

7107 LOISDALE ROAD  
LEE MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

## HOUSE LOCATION

No Title Report Furnished

DATE: 12/11/89

SCALE: 1" = 30'

DRAWN BY: D.L.

CHECKED BY: W.F./LT

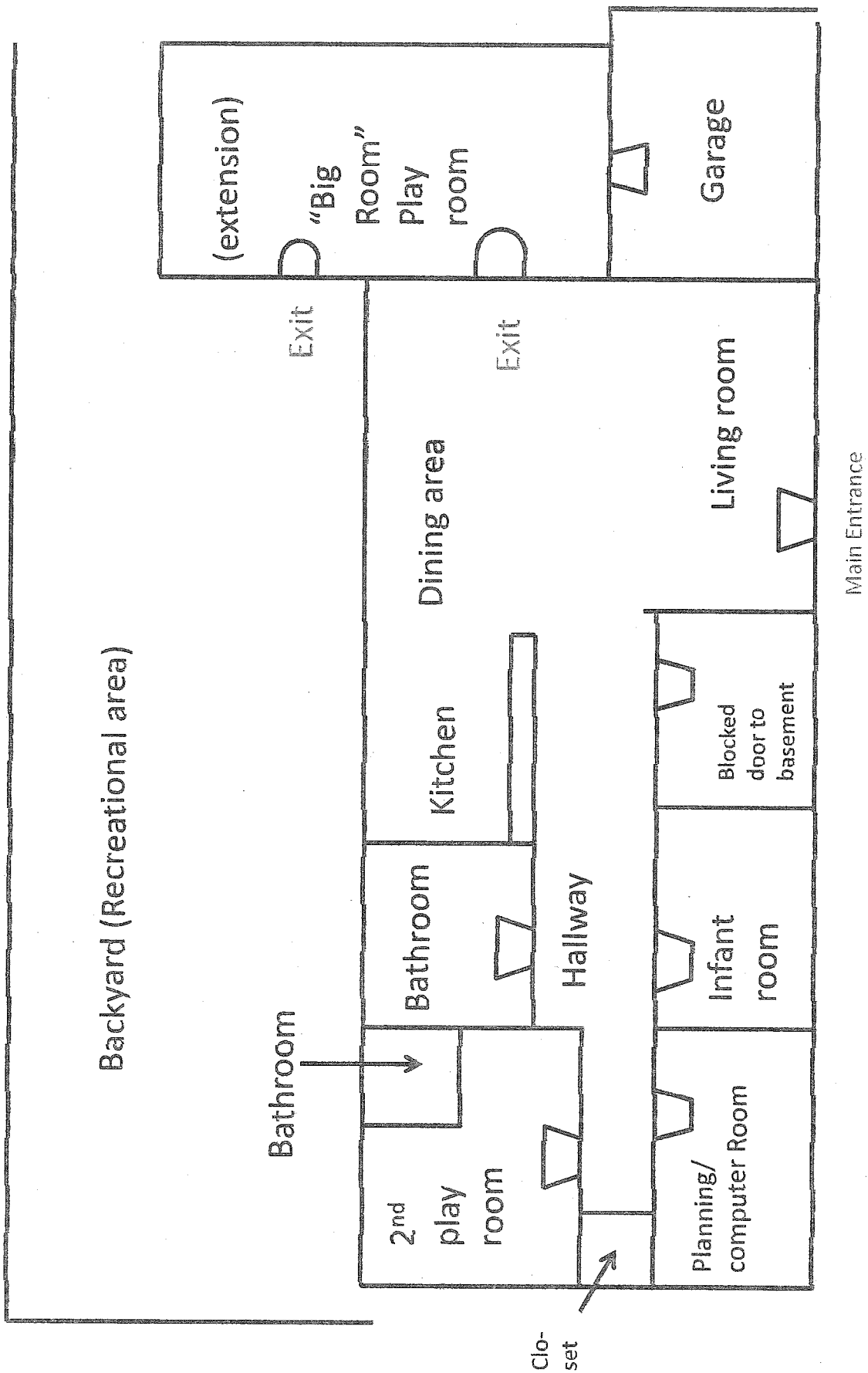
**RICE ASSOCIATES**

ANNANDALE, VIRGINIA

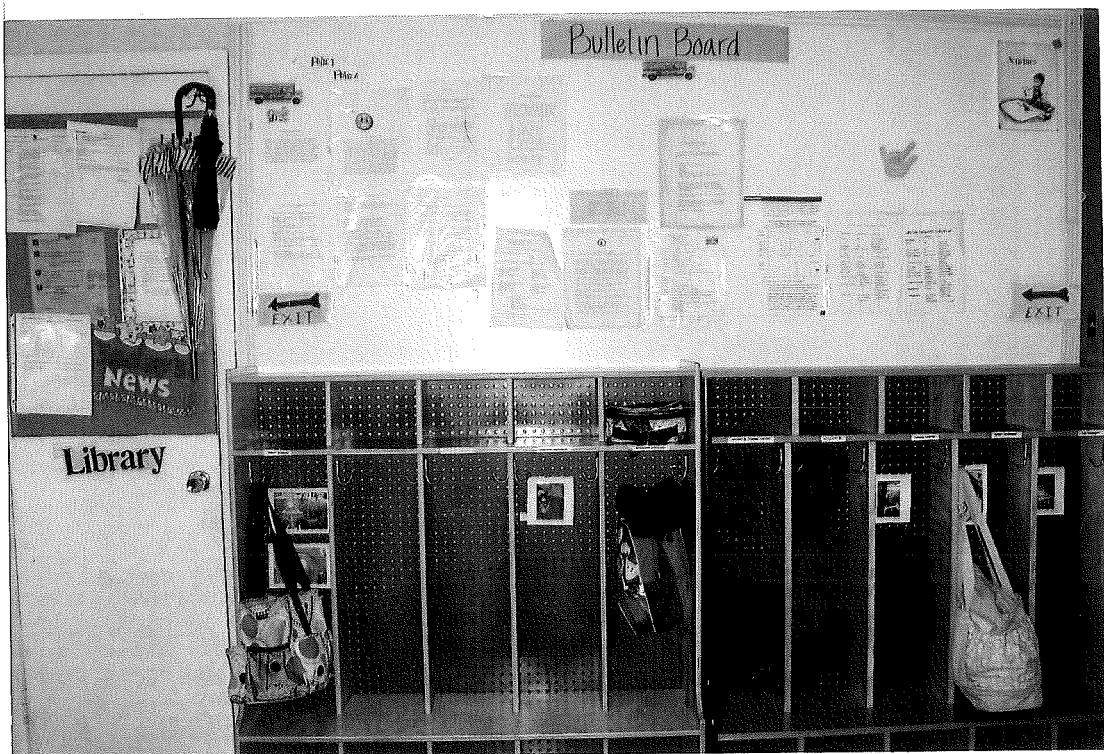
PHONE 941-5030 FAX 941-8426

PM-92547 KAMIREZ / NGUYEN 89121308



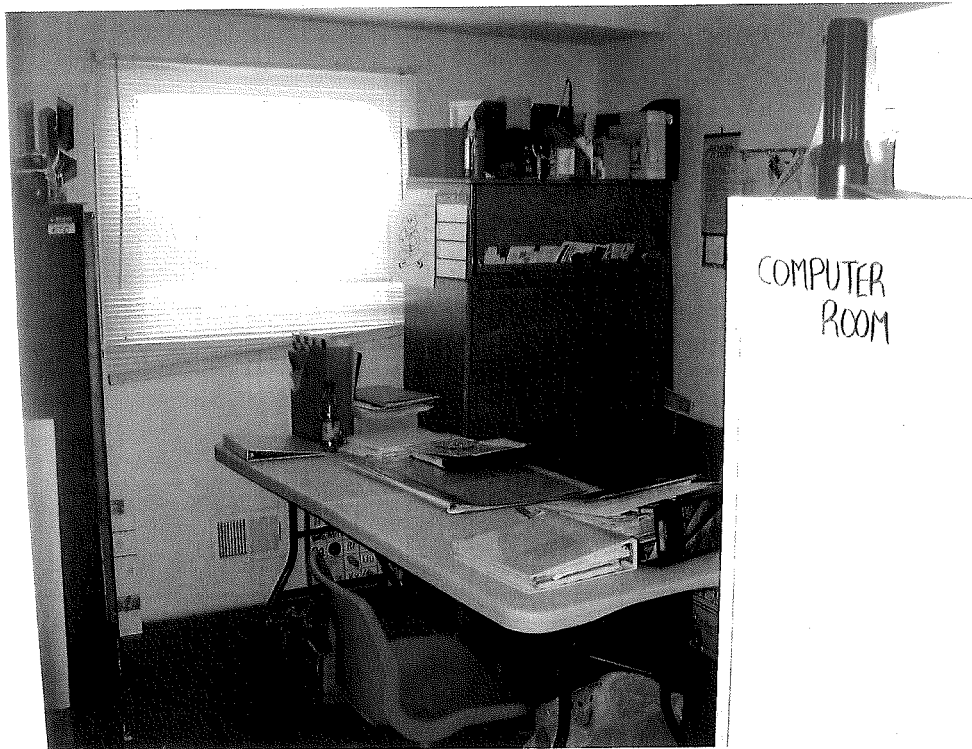


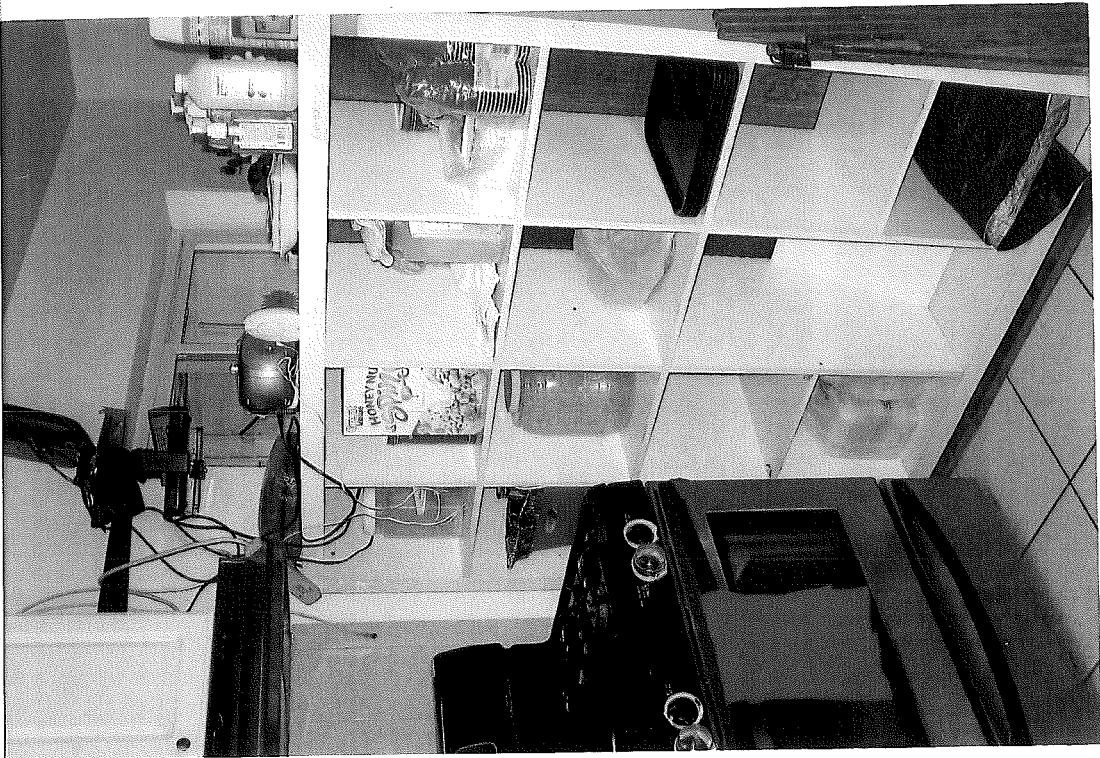














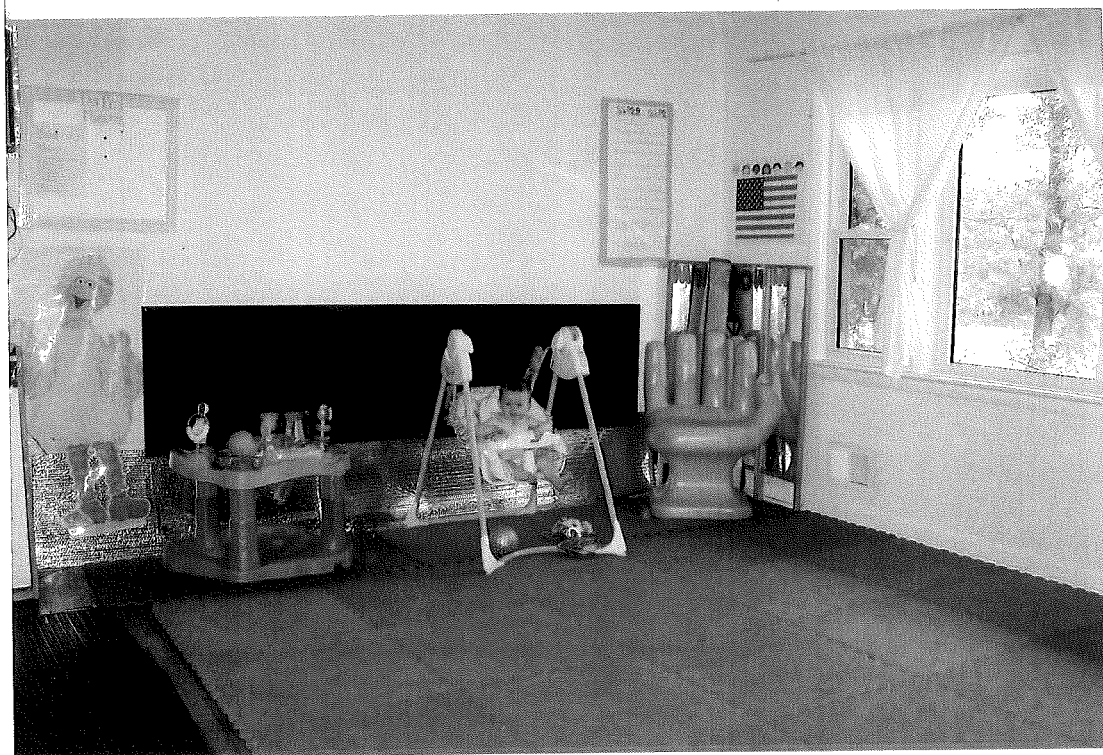


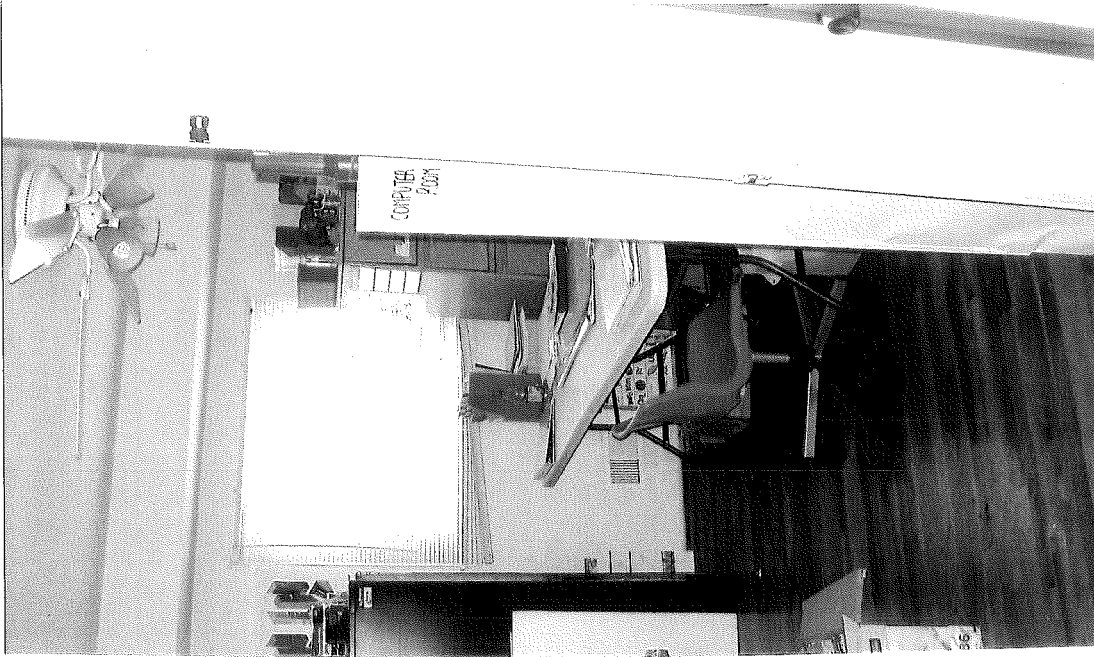


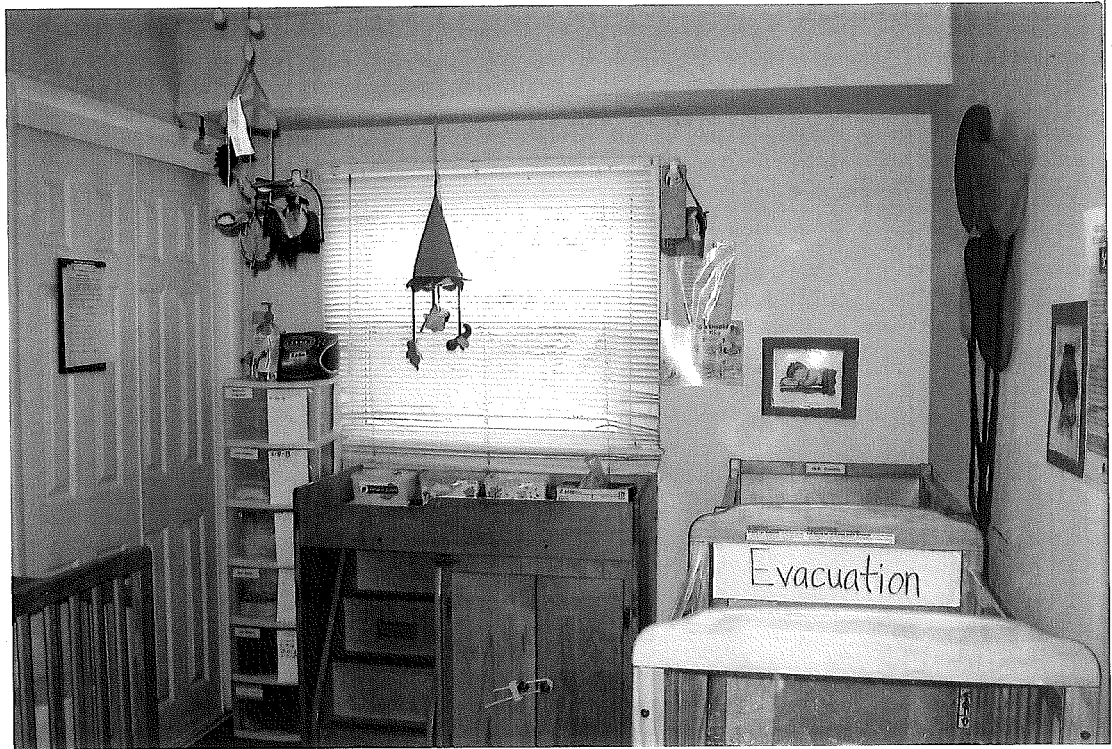
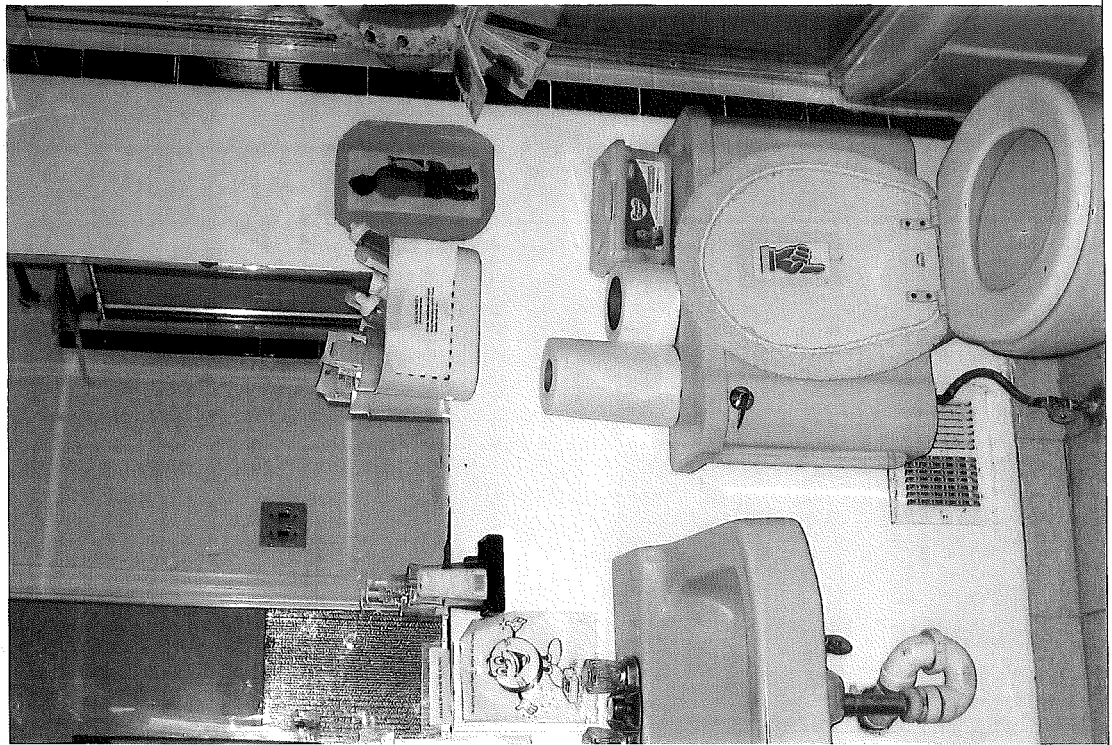




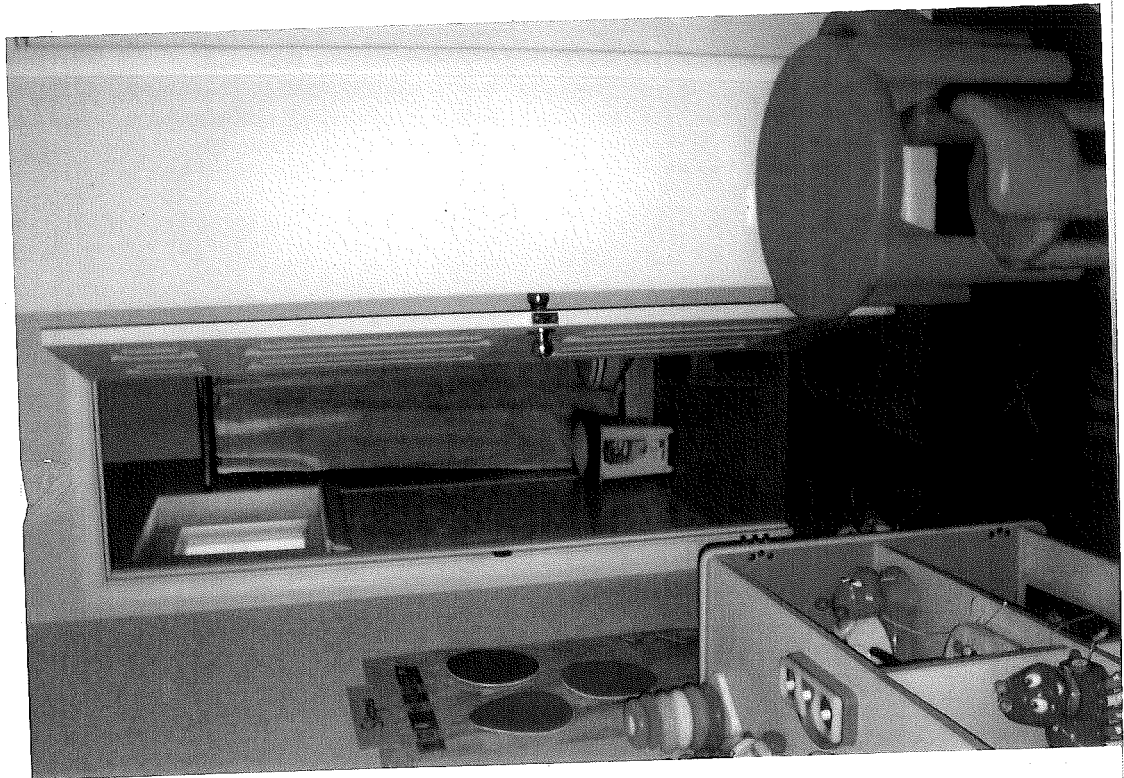


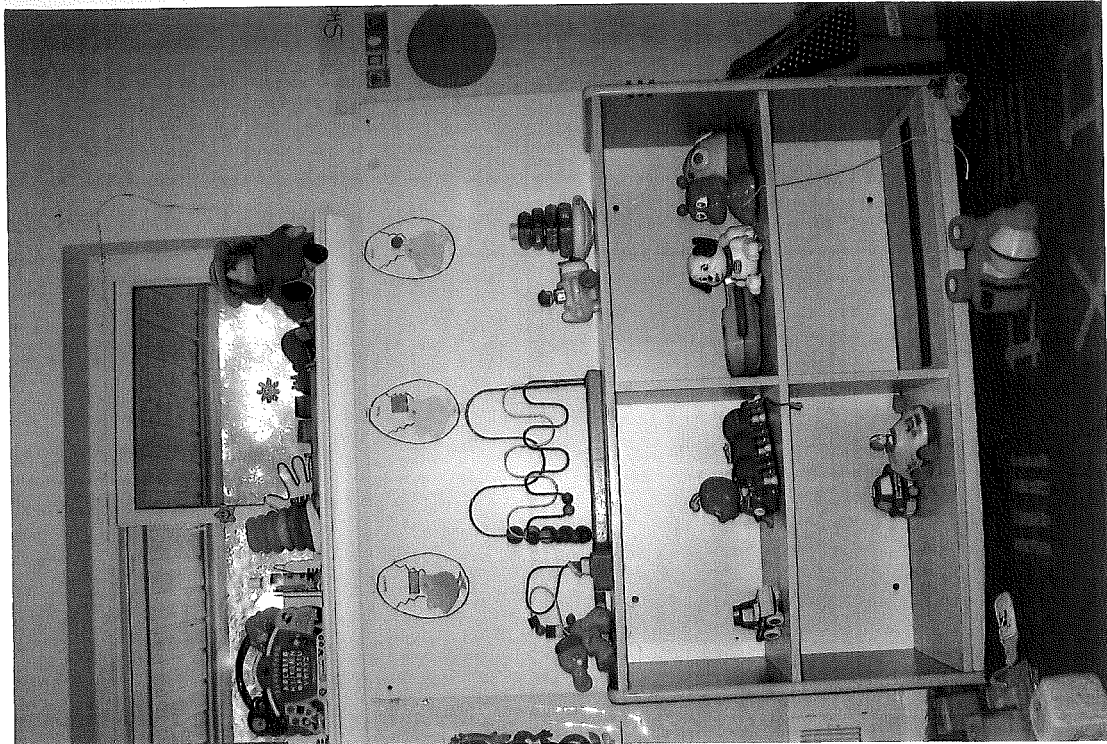


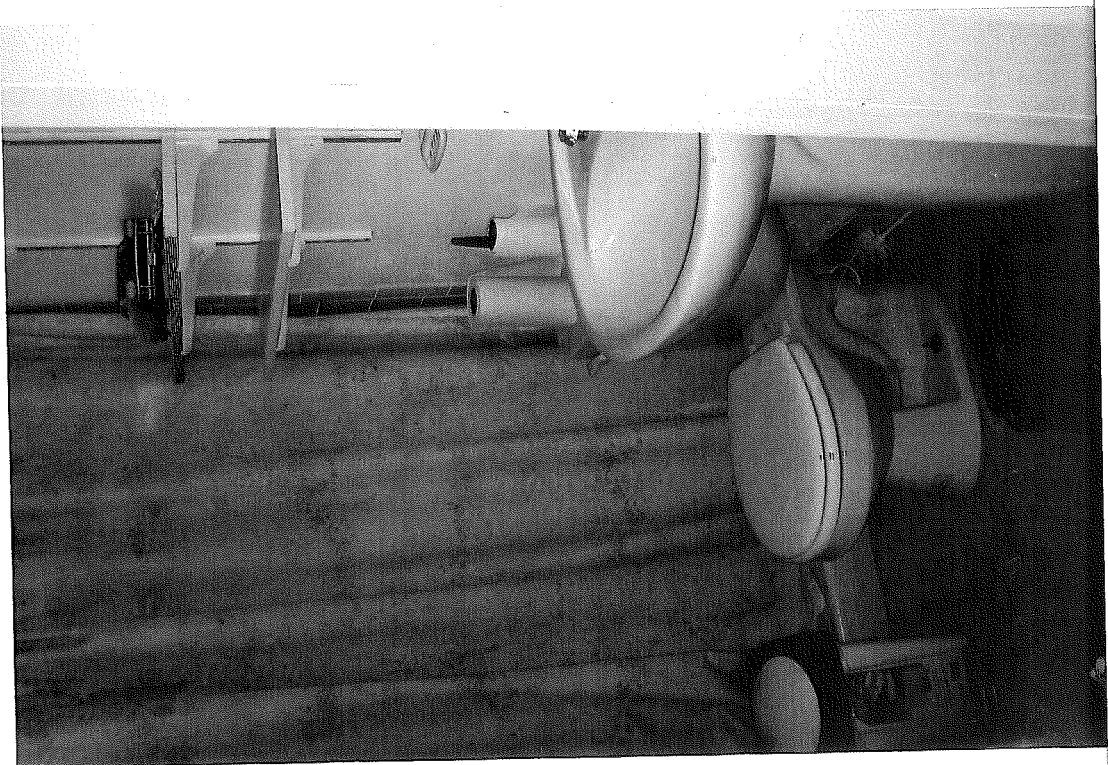
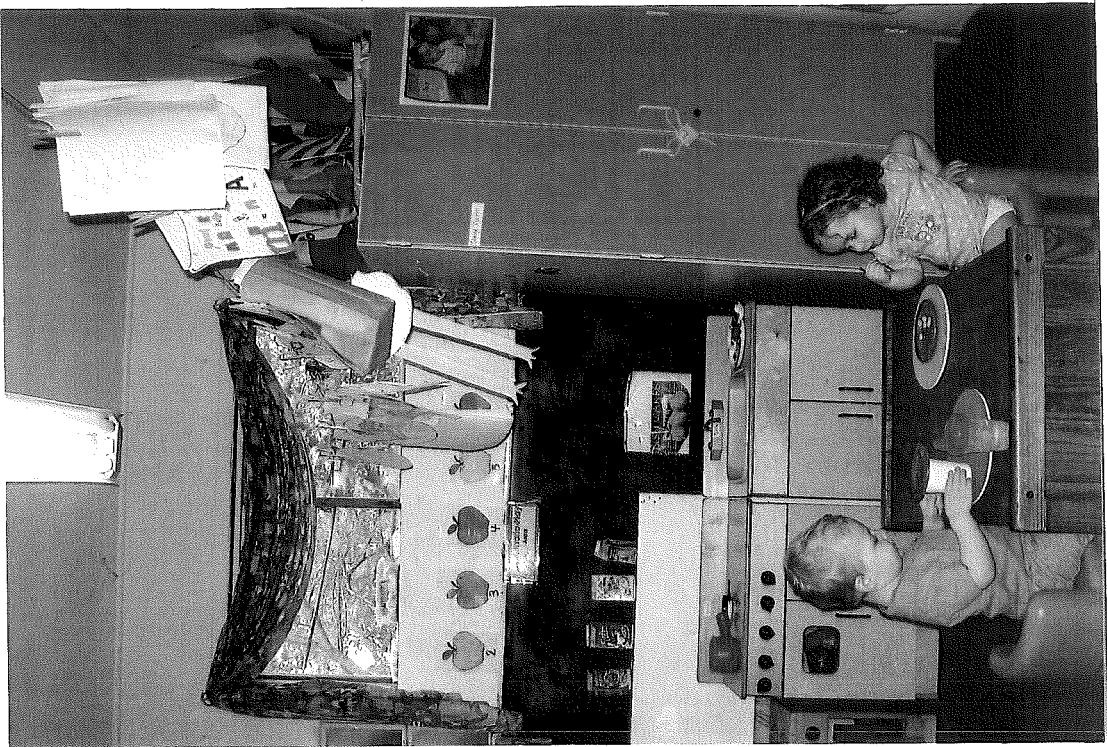


















SP 2013-LE-073

## SPECIAL PERMIT REQUEST

The applicant is seeking approval of a home child care facility for 12 children at any one time within an existing dwelling. A detailed discussion of the request is included on page two and three.

A copy of the special permit plat titled "House Location" prepared by Rice Associates, dated December 11, 1989, is included at the front of the staff report.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 8,750 square-foot site is located in the Loisdale Estates Subdivision. The lot is zoned R-4 and developed with a one-story single family detached dwelling consisting of approximately 1,446 square feet floor area, according to tax records. The dwelling includes an attached garage. Accessory structures (play sets) are located east of the dwelling in the backyard.

Ingress and egress to the site is provided via a driveway accessed from Loisdale Road and terminates at the attached garage. The driveway appears to be able to accommodate approximately two vehicles. The attached garage is used for storage. A patio is attached to the east side of the dwelling. The rear yard is enclosed with stockade fencing. The site contains several mature trees and some foundation plantings.



## **BACKGROUND AND HISTORY**

County Records show that the dwelling was constructed in 1959. The applicant purchased the property in January 1990. The applicant indicates they purchased the home in order to operate a home child care facility. The applicant holds a current license, which is valid until April 29, 2015, from the Commonwealth of Virginia, Department of Social Services for a Family Day Home with a capacity of 12 children, aged birth through 12 years. The applicant has one full-time helper, in addition to herself and her husband. The majority of the first level of the home was converted into the home child care facility. The kitchen is shared between the occupants and the home child care facility. One room on the upper level of the dwelling is used for storage and another is used for an office. Kitchen components were added to the lower level of the dwelling but appear to not be used. The applicant indicates the plumbing and electrical components were already installed and she only added appliances.

County records reflect that there are no similar cases in the vicinity.

## **DISCRIPTION OF THE APPLICATION**

The applicant is requesting approval of a special permit for a home child care facility for up to twelve (12) children, at any one time, between the hours of 6:30 a.m. and 5:00 p.m., Monday through Friday. Employees include the applicant, occasionally her husband and one full-time employee.

The home child care facility is operated throughout the main level of the house which includes an infant room, a bathroom, a kitchen, and two play areas. There is a fenced yard and patio where the children play outside.

The applicant and her family occupy the lower level of the dwelling. Staff noted during the site visit that proper egress was not provided in the lower level. None of the bedrooms in the basement have proper emergency egress. Since the staff brought this to the attention of the applicant, staff understands the applicant is researching options to add an egress window and potentially move her daughter to a bedroom in the main level of the dwelling, which has an appropriate egress window.

The existing driveway accommodates two cars. Parking is available in a dedicated parking lane along Loisdale Road.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** Area IV, Springfield Planning District  
**Planning Sector:** Springvale Community Planning Sector (S4)



SP 2013-LE-073

**Plan Map:** Residential use at 3-4 units/acre

There is no site specific Plan language for this area.

#### **Transportation Analysis (Appendix 4)**

The proposed home child care facility is located on Loisdale Road, which is classified as a minor arterial road that runs parallel to I-95 from lower to upper Springfield. It carries approximately 10,000 vehicles per day and is a two-way roadway with a center turn lane and a designated parking lane located in front of residences adjacent to the northbound lane. The applicant and helper park either in the driveway or in a space within the on-street parking,

The applicant indicated to staff that she and her assistant go to each parent's vehicle and remove the children to bring them into the child care facility. A field survey demonstrated significant traffic, pedestrian and operation concerns associated with the subject proposal. Transportation staff visited the site during peak drop-off and pick-up times and did not see the applicant/helper escort the children from the vehicles as indicated. Morning drop-off appeared to function due to spacing of drop-off. However, afternoon pick-up did not function and dangerous traffic conflicts between arterial road traffic and the parents arriving to pick up their children occurred. Staff saw an unattended young child between two vehicles in the driveway. A parent stopped their car in the northbound through lane of Loisdale Road while waiting to pull into the child care facility, which caused a vehicular to swerve around it into the center turn lane. It appeared to staff that parents were not pulling into on-street parking spaces many times, and would stop in through arterial lanes while waiting for vehicles in the driveway or street parking to clear. The property has only a single lane driveway with two spaces available and no availability of on-site turnaround. Once a car is in the driveway it must back out onto northbound Loisdale Road. Cars parked within the on-street parking lane partially obstruct the view of cars backing out of the driveway. When the driveway is full, cars appear to stop in Loisdale Road rather than parking in an on-street parking space. On-street parking is shared with the neighborhood and is limited. Staff witnessed several cars parked along Loisdale Road in front of the facility at all times of the day.

Because of the narrow lot and shallow front yard, neither additional parking nor a turnaround area can be accommodated on site. With the amount of traffic on two-lane Loisdale Road and limited street parking, there does not appear to be a solution to the traffic and parking issues related to this facility.

#### **Zoning Ordinance Requirements**

- General Special Permit Standards (Sect. 8-006)
- Group 3 Uses (Sect. 8-303)
- Additional Standards for Home Child Care Facilities (Sect. 8-305)

SP 2013-LE-073

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

Staff does not believe that the application meets all the Standards, specifically General Standard #4 and Additional Standard #2.

General Standard #4 states that the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. *In this case the site takes access to an arterial road. While an on-street parking lane is available, access to and from the site is from the arterial road. Cars must enter the driveway and back up partially into the northbound through lane of Loisdale Road. When parking is not available in the driveway, cars must find an available on-street parking space. Staff witnessed vehicular conflict when parents stopped their vehicles in the northbound through lane of Loisdale Road, backing up traffic and causing cars to swerve around the stopped vehicles into the center turn-lane. Additionally, child care staff did not escort children to and from the dwelling as indicated, creating a potential hazard for the children with cars stopped partially in Loisdale Road.*

Additional Standard #2 states that the BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit. *As stated above, staff does not believe adequate parking exists or is configured in a way to safely access and egress the site. The driveway does not allow for the safe egress of vehicles as they must back up into Loisdale Road, a busy arterial that carries upwards of 10,000 vehicles per day. There does not appear to be a way for the applicant to provide additional off-street parking spaces. Parents did not appear to be utilizing the on-street parking spaces many times when they were available, and/or too many parents were picking up their children at the same time for the available off-street parking to handle.*

## CONCLUSION

Staff believes that the subject application is not in conformance with the applicable Zoning Ordinance provisions, specifically General Standard #4 and Additional Standard #2 as noted above.

Additionally, the applicant needs to provide proper egress for all sleeping areas within the dwelling, including the lower level.

**RECOMMENDATION**

Staff recommends denial of the request to allow more than the by-right number of children in the proposed home child care facility. However, should the BZA choose to approve the request, staff recommends the BZA do so only with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

**APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Department of Transportation Memorandum
5. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****November 27, 2013**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-LE-073 located at Tax Map 90-4 ((06)) 50 for a home child care facility pursuant to Section 8-301 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Elizabeth Ramirez, only and is not transferable without further action of the Board, and is for the location indicated on the application, 7107 Loisdale Road, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Rice Associates, dated December 11, 1989, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 6:30 a.m. to 5:00 p.m., Monday through Friday.
5. The maximum number of children on site at any one time shall be twelve (12), excluding the applicant's own children.
6. Pick up and drop off of children shall take place in the driveway and on-street parking spaces in along Loisdale Road, only. The applicant shall not permit parents to congregate or slow their vehicles in the through lanes of Loisdale Road or to park in front of driveways. If an approved parking space is not available during drop-off or pick-up, parents shall be directed to circulate through the normal traffic pattern until space becomes available.
7. The applicant or assistant(s) shall be outside during peak drop-off and pick-up to monitor traffic circulation, direct parents and transfer children to and from the vehicles.
8. The maximum number of employees shall be limited to one on-site at any one time in addition to the applicant. Employees shall not use the driveway for parking.
9. The dwelling that contains the child care facility shall be the primary residence of the applicant.



10. Emergency egress shall be provided to all sleeping areas within the dwelling, including sleeping areas in the lower level, according to current 2013 approved building code standards adopted by Fairfax County.
11. There shall be no signage associated with the home child care facility.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/21/13  
(enter date affidavit is notarized)

I, Elizabeth Ramirez, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one) ☒ applicant  
☐ applicant's authorized agent listed in Par. 1(a) below

121914

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Elizabeth Ramirez also known of record as Elizabeth Espinoza	7107 Loisdale Rd, Springfield VA. 22150	Applicant / Title / owner

Jaime Ramirez also known of record as Jaime Ramirez-Gonzales	7107 Loisdale Rd, Springfield VA. 22150	Title owner.
--------------------------------------------------------------------	--------------------------------------------	--------------

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/21/13  
(enter date affidavit is notarized)

12/9/14

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/21/13  
(enter date affidavit is notarized)

121914

- 1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/21/13  
(enter date affidavit is notarized)

121914

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

NONE.

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/21/13  
(enter date affidavit is notarized)

121914

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

NONE.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

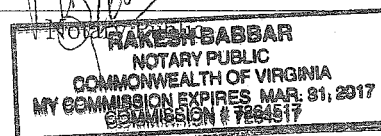
☐ Applicant's Authorized Agent

Elizabeth R Ramirez

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 21 day of Aug, 2013, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: Mar 31, 2017



July 28, 2012

## Special Permit Statement of Justification:

Creative Childcare Home is a daycare that was established with the idea of having my 5,935 Square foot, 2 level, single detached house as the establishment for my home daycare. In my home the only operations existing is the care for the 12 children at my home daycare. Creative Childcare home is open from 6:30 am to 5pm. My state license grants me permission to care for 12 children in my home. So far, there are two assistants plus myself as the director, my substitute (daughter), and my husband, but only my daughter, and husband, and myself live in the household. We currently provide the entire upper level for the service of the children. During the day around 7:30am, parents are welcome to come and park on my driveway or in my parking space, if another parent has arrived before them and parked on my driveway. The estimated number of vehicles arriving would be 3 vehicles arriving at 7:am - 8am, 2 more arriving from 10 am- 11:am, 2 arriving from 3pm - 4:30 pm, and 3 arriving around 5pm - 5:30pm. The only additions that have been made to my home on the upper level, is a 247 square feet area that was added with the idea that the children would have more room to play and run around. We do not have any toxic or hazardous substances in our facility. The zoning regulations state that according to the type of house that is being used for my daycare, which is a single detached home, I would only be able to care for 10 children. I would like to ask you to consider extending the number of children to 12 in order to continue providing my services to the children at my home daycare. My home conforms to all the provisions and regulations to care for 12 children, and I would like to continue running my daycare without having to drop any children out of my program. I hope you consider my efforts to care for the 12 children in my daycare.

July 28, 2012

Statement of Ownership:

My name is Elizabeth Ramirez and I am the owner of the property located at 7107 Loisdale Rd, Springfield Va. 22150. My property is a single detached home with 5,935 square feet, with 2 levels including the basement that was bought with the idea of using it as a daycare, and so we have used the entire upper level as the establishment for the daycare. I am a provider with the state license which grants me permission to care for 12 children, and the upper level plus the addition (247 square feet) that was added, was with an idea that the children would have more room and space to play, do their activities, have lunch, and nap time.



# Commonwealth of Virginia



## DEPARTMENT OF

## SOCIAL SERVICES

### FAMILY DAY HOME LICENSE

Issued to:

Elizabeth Rosanna Ramirez, d.b.a. Creative Day Care Home

Address:

7107 Loisdale Road, Springfield, Virginia 22150

This license is issued in accordance with provisions of Chapters 1, 17 and 18, Title 63.2, Code of Virginia and other relevant laws, the regulations of the State Board of Social Services and the specific limitations prescribed by the Commissioner of Social Services as follows:

<u>CAPACITY</u> 12		o Basement cannot be used for care of children.
<u>GENDER</u> Both	<u>AGE</u> Birth through 12 years	

This license is not transferable and will be in effect April 30, 2013 through April 29, 2015 unless revoked for violations of the provisions of law or failure to comply with the limitations stated above.

#### ISSUING OFFICE:

Virginia Department of Social Services  
Division of Licensing - Fairfax Licensing Office  
3701 Pender Drive, Suite 125  
Fairfax, VA 22030

Telephone: (703) 934-1505

FDH 1031817 - L101  
LICENSE NUMBER

MARGARET ROSS SCHULTZE  
ACTING COMMISSIONER OF SOCIAL SERVICES

By

James J. Parcelli

Title

LICENSING ADMINISTRATOR

Date

May 6, 2013



## County of Fairfax, Virginia

**MEMORANDUM**

DATE: November 20, 2013

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Angela Kadar Rodeheaver, Chief *MAD for ARR*  
Site Analysis Section  
Department of Transportation

**FILE:** 3-6 (SP 2013-LE-073)

**SUBJECT:** Transportation Impact

**REFERENCE:** SP 2013-LE-073; Elizabeth Ramirez  
Traffic Zone: 1574; Land Identification Map: 90-4 ((06)) 50

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on the plat dated June 18, 2001 and the field review of site operations dated November 6, 2013 and November 13, 2013.

The request is for a special permit for the operation of a home child care facility. The enrollment limit is for up to 12 children. The hours of operation are from 6:30 am to 5:30 pm.

The proposed home child care is located on Loisdale Road, which is classified as a minor arterial carrying approximately 10,000 vehicles per day. It is a two-way roadway with on-street parking and a center left turn lane.

A field survey demonstrated significant traffic and pedestrian safety and operational concerns associated with the subject proposal.

1. A driver conflict occurred on Loisdale Road when parking was unavailable within the driveway and on the street for an arriving parent.
2. Staff not escorting the pick-up/ drop-off of the children to/ from the vehicles along a busy roadway. An unattended child was observed standing within the driveway right-of-way during pick-up.
3. Daily on-street parking on northbound Loisdale Road (unrelated to the subject site parking) during the pick-up and drop-off stages. This appears to hinder the sight distance for vehicles backing out of the subject driveway.

Barbara Berlin  
November 20, 2012  
Page two

4. The unavailability of an on-site turnaround for vehicles picking up and dropping off. This causes exiting vehicles to back down (single file) on a 10-ft. wide driveway and back-out onto northbound Loisdale Road.

cc: MAD/AKSP2013LE073ElizabethRamirez

**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-303**

**Standards for all Group 3 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.



8-305

**Additional Standards for Home Child Care Facilities**

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
  - A. The dimensions, boundary lines and area of the lot or parcel.
  - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
  - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
  - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.